

1 BRIAN S. KABATECK, SBN 152054
2 RICHARD L. KELLNER, SBN 171416
3 ALFREDO TORRIJOS, SBN 222458
4 KABATECK BROWN KELLNER LLP
5 644 South Figueroa Street
6 Los Angeles, California 90017
7 Telephone: (213) 217-5000
8 Facsimile: (213) 217-5010

9 Attorneys for Plaintiff
10 DAVID ALMEIDA

11 CHRISTA M. ANDERSON - #184325
12 DAVID J. SILBERT - #173128
13 ALYSE BERTENTHAL - #253012
14 KEKER & VAN NEST, LLP
15 710 Sansome Street
16 San Francisco, CA 94111
17 Telephone: (415) 391-5400
18 Facsimile: (415) 397-7188

E-FILED - 9/25/09

19 Attorneys for Defendant
20 GOOGLE INC.

21
22 **UNITED STATES DISTRICT COURT**
23 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
24 **SAN JOSE DIVISION**

25 DAVID ALMEIDA, individually and
26 on behalf of all others similarly
27 situated,

28 Plaintiff,

vs.

GOOGLE, INC., a Delaware
Corporation; and DOES 1 through 10,
inclusive,

Defendants.

CASE NO. CV 08-02088 RMW
HON. RONALD M. WHYTE

**STIPULATION AND []
ORDER TO VACATE THE
DEADLINE FOR THE PARTIES TO
CONDUCT MEDIATION**

1 Through this Stipulation, and for the reasons set forth below, plaintiff David
2 Almeida (“Plaintiff”) and defendant Google Inc. (“Defendant”) stipulate to vacate
3 the deadline to for the parties to conduct mediation:

4 WHEREAS, on or about April 2, 2009, the Court entered a Case
5 Management Order setting the deadline for the parties to conduct mediation on
6 October 9, 2009;

7 WHEREAS, the parties and the Mediator agreed to conduct mediation on
8 September 28, 2009;

9 WHEREAS, the parties agreed to submit Mediation Statements to the
10 Mediator on September 18, 2009;

11 WHEREAS, on September 11, 2009, Plaintiff filed a motion for leave to file
12 a first amended complaint and to set a case management conference;

13 WHEREAS, the earliest the Court can hear Plaintiff’s motion is on October
14 30, 2009;

15 WHEREAS, the parties are in agreement that a mediation prior to the
16 determination of Plaintiff’s motion for leave to file an amended complaint will be
17 ineffective and an inefficient use of counsels’ and the mediator’s time.

18 IT IS HEREBY STIPULATED AND AGREED that the deadline for the
19 parties to conduct mediation should be vacated and a new deadline be set following
20 a decision on Plaintiff’s motion for leave to file an amended complaint, if
21 applicable.

1
2 SO STIPULATED.

3
4 Dated: September 11, 2009 KABATECK BROWN KELLNER LLP

5
6 By: /s/ Michael V. Storti
7 Michael V. Storti
8 Attorneys for Plaintiff

9 Dated: September 11, 2009 KEKER & VAN NEST LLP

10
11 By: /s/ David J. Silbert
12 David J. Silbert
13 Attorneys for Defendant

14
15 **[] ORDER**

16 IT IS SO ORDERED.

17 Dated: 9/25, 2009

18
19 

20 HON. RONALD M. WHYTE
21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
23
24
25
26
27
28